



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/328,627	06/09/1999	SWARUP ACHARYA	ACHARYA2-5-7	7063

7590 01/23/2003

GREGORY S BERNABEO  
SYNNESTEVDI & LECHNER LLP  
2600 ARAMARK TOWER  
1101 MARKET STREET  
PHILADELPHIA, PA 191072950

EXAMINER	
MEKY, MOUSTAFA M	
ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 01/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/328,627

Applicant(s)

ACHARYA ET AL.

Examiner

Moustafa M Meky

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-8,27-38,42,45-47 and 50-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-8,27-38,42,45-47 and 50-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2157

1. The amendment filed 10/24/2002 has been entered and considered by the examiner.
2. Claims 5-8, 27-38, 42, 45-47, and 50-75.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 5-8, 27-38, 42, 45-47, and 50- 75 are rejected under 35 U.S.C. 102(b) as being anticipated by Northcutt (US Pat. No. 5,442,749).

Art Unit: 2157

5. As to claims 5-8, Northcutt shows in Figs 2 & 7, a system for communicating between computers 200 & 290 interconnected by a network. Northcutt discloses the limitations of receiving at a deriving computer (server 200), a request from a client 290 to transmit a user selected version of a target file, deriving by conversion the user selected version and transmitting the selected version of the file to the client 290, see the abstract, lines 9-12, col 5, lines 52-54, col 8, lines 66-68, col 9, lines 1-12.

6. As to claims 27-38, 42, 45-47, and 50-75, the claims are similar in scope to claims 5-8, and they are rejected under the same rationale.

Therefore, it can be seen from paragraphs 5-6 that Northcutt anticipates claims 5-8, 27-38, 42, 45-47, and 50- 75.

7. Claims 5-8, 27-38, 42, 45-47, and 50- 75 are rejected under 35 U.S.C. 102(e) as being anticipated by Rose (US Pat. No. 6,085,199).

8. As to claims 5-8, Rose shows in Figs 3 & 7, a system for communicating between computers interconnected by a network. Rose discloses the limitations of receiving at a deriving computer, a request from a client to transmit a user selected version of a target file, deriving by conversion the user selected version and transmitting the selected version of the file to the client, see the abstract, col 2, lines 8-17, col 4, lines 19, 21, lines 29-44, lines 66-67, col 5, lines 1-16.

9. As to claims 27-38, 42, 45-47, and 50-75, the claims are similar in scope to claims 5-8, and they are rejected under the same rationale.

Art Unit: 2157

Therefore, it can be seen from paragraphs 8-9 that Rose anticipates claims 5-8, 27-38, 42, 45-47, and 50- 75.

10. Claims 5-8, 27-38, 42, 45-47, and 50- 75 are rejected under 35 U.S.C. 102 (a) & (e) as being anticipated by Hunt (US Pat. No. 5,764,235).

11. As to claims 5-8, Hunt shows in Figs 1A & 2, a system for communicating between computers interconnected by a network. Rose discloses the limitations of receiving at a deriving computer, a request from a client to transmit a user selected version of a target file, deriving by conversion the user selected version and transmitting the selected version of the file to the client, see col 2, lines 31-43, col 3, lines 1-12, col 4, lines 63-67, col 5, lines 1-6, col 9, lines 38-42, col 10, lines 6-10, col 11, lines 3-13, col 13, lines 41-47.

12. As to claims 27-38, 42, 45-47, and 50-75, the claims are similar in scope to claims 5-8, and they are rejected under the same rationale.

Therefore, it can be seen from paragraphs 11-12 that Hunt anticipates claims 5-8, 27-38, 42, 45-47, and 50- 75.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. .

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M. Meky whose telephone number is (703) 305-9697. The examiner can normally be reached on week days from 8:30 am to 4:30 pm.

Art Unit: 2157

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The fax number for the After-Final correspondence/amendment is (703) 746-7238. The fax number for official correspondence/amendment is (703) 746-7239. The fax number for Non-official draft correspondence/amendment is (703) 746-7240.

M.M.M

January 19, 2003

  
MOUSTAFAM. MEKY  
PRIMARY EXAMINER